IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 24TH AUGUST 2007 / 2ND BHADRA 1929

WP(C).No. 23171 of 2007(H)

PETITIONER:

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1. P.V.POULOSE, S/O.VAREED, PARACKAL HOUSE, MEKKADU P.O., NEDUMBASSERY, ERNAKULAM DISTRICT.

2. P.K.SASI, PUNNELY HOUSE, AVANAMKODU, CHOVVARA P.O., ERNAKULAM DISTRICT.

BY ADV. SRI.T.KRISHNAN UNNI
SRI.VINOD RAVINDRANATH

RESPONDENTS:

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1. THE DISTRICT COLLECTOR, THRISSUR.

2. THE REVENUE DIVISIONAL OFFICER, THRISSUR.

3. GEOLOGIST, DISTRICT OFFICE, DEPARTMENT OF MINING AND GEOLOGY, THRISSUR.

4. SRI.DEVADAS MASTER, S/O.RAVI, KADAKKAVATTATH HOUSE, PADINJARE MALA, ARAYAMKUDY, KORATTI, THRISSUR DISTRICT.

5. SRI.BAIJU, S/O.BAVA, AYYARIL HOUSE, ARAYAMKUDY, KORATTI, THRISSUR DISTRICT.

6. SRI.MATHACHAN, CHERAMKERI, ARAYAMKUDY, KORATTI, THRISSUR DISTRICT.

7. SRI.REJI, S/O.VARGHESE, CHEEROTHI, ARAYAMKUDI, KORATTI, THRISSUR DISTRICT.

8. SRI.HARI, S/O.RAJAPPAN, VARIKKAD,

ARAYAMKUDI, KORATTI, THRISSUR
DISTRICT.

9. SRI.NIRMAL, S/O.CHACKO, PAKKADAN HOUSE,
ARAYAMKUDI, KORATTI, THRISSUR DISTRICT.

BY GOVERNMENT PLEADER SRI.M.S.BREEZ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WPC NO.23171/2007

PETITIONER'S EXHIBITS:

EXT.P1:- TRUE COPY OF THE LICENSE ISSUED BY THE ANNAMANADA GRAMA PANCHAYATH IN FAVOUR OF THE 1ST PETITIONER DATED 15/12/2006.

EXT.P2:- TRUE COPY OF THE LICENSE ISSUED BY THE PARAKKADAVU GRAMA PANCHAYATH TO THE 2ND PETITIONER DATED 2/8/2006.

EXT.P3:- TRUE COPY OF THE ORDER ISSUED BY GEOLOGIST, THRISSUR IN FAVOUR OF THE 1ST PETITIONER DATED 26/3/2007.

EXT.P4:- TRUE COPY OF THE ORDER ISSUED BY GEOLOGIST, THRISSUR IN FAVOUR OF THE 2ND PETITIONER DATED 26/3/2007.

EXT.P5:- TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN WPC NO.11970/07 DATED 12/4/2007.

EXT.P5(a):- TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN WPC NO.11504/07 DATED 12/4/2007.

EXT.P6:- TRUE COPY OF THE PROCEEDINGS OF THE 3RD RESPONDENT DATED 16/4/2007.

EXT.P7:- TRUE COPY OF THE OBJECTION BY THE PETITIONERS AND OTHERS DATED 16/4/2007.

EXT.P8:- TRUE COPY OF THE PROCEEDINGS OF THE 3RD RESPONDENT DATED 28/4/2007.

EXT.P9:- TRUE COPY OF THE PROCEEDINGS OF THE 1ST RESPONDENT DATED 14/5/2007.

[TRUE COPY]

R.BASANT, J.

W.P.C.No.23171 of 2007

Dated this the 24th day of August 2007

J U D G M E N T

The petitioner has come to this court aggrieved by Ext.P9 order issued by the District Magistrate/District Collector, Thrissur under Section 144 Cr.P.C. Various grounds are urged to assail Ext.P9 order passed under Section 144 Cr.P.C. The learned Public Prosecutor was directed to take instructions. Instructions have been taken and a statement has been filed. Today, when the matter came up for hearing, the learned counsel for the petitioner submits that Ext.P9 order does not live any more in the light of the mandate of Section 144(4) Cr.P.C which stipulates that no order under Section 144 Cr.P.C shall remain in force for more than two months from the making thereof. The order was passed on 14/5/2007. On 14/7/2007, the order must have come to an end. It cannot remain in force thereafter. There is no contention that any order/notification has been issued under the proviso to Section 144(4) Cr.P.C. The State has no case that any such notification/order has been passed by the State Government.

2. I must, in these circumstances, agree with the learned counsel for the petitioner that it is not necessary to issue any further directions in this writ petition, the impugned order Ext.P8 having now ceased to remain in force in the light of the mandate under Section 144(4) Cr.P.C.

3. This writ petition is accordingly allowed to the above extent.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007